HON'BLE SHRI JUSTICE NOOTY RAMAMOHANA RAO

W.P. No.18950 of 2007

Dated:21.09.2007

Between:

Mahendra Hills Sport and Cultural Association, rep.by its President
P. Bhavani Prasad.

..Petitioner.

And

The Commissioner of Police, Hyderabad and others.

..Respondents.

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W.P. No.18950 of 2007

The present writ petition has been filed by a registered Society, which runs a Cultural and Sports Club. It seeks a writ of mandamus against the respondent-Police to forbear them from interfering with the lawful activities of the petitioner and in particular with the card room at the petitioner's premises where the members of the club and their guests indulge in playing the game of rummy with stakes and syndicate.

I have heard Sri N. Rajeshwar Rao, learned counsel for the petitioner. At my instance, the learned Government Pleader for Home has solicited instructions from the Commissioner of Police, Hyderabad, who has disputed the assertions of the writ petitioner that they are ever interfering with any of the lawful activities carried on at the Club belonging to the writ petitioner.

The learned counsel for the petitioner would urge that the playing of cards in a game called Rummy with or without stakes, is considered to be a game of skill, but not a game of chance and consequently it does not attract the provisions of the Andhra Pradesh Gaming Act, 1974. The learned counsel for the petitioner had drawn my attention to the two judgments of this Court in **Twin Cities Cinema Cultural Center v Commissioner of Police**[1] and in **D.Krishna Kumar v. State of A.P.**[2]**.** Suffice it to point out herein below what the Division Bench had stated in the first of

the two cases referred to supra:

> "Therefore, the police authorities cannot obstruct the writ petitioner – Club from conducting card room where the members and guests of the writ petitioner's cultural centre are allowed to play the game of rummy with stakes/ syndicate (thirteen card game). At the same time, we make it clear that the police is always at liberty to enter the premises and check as to whether the cultural centre of the Club is conducting card room where the members and guests of petitioner's cultural centre are playing the game of rummy with stakes/ syndicate (thirteen card game) for the purpose of verification. If they receive any intimation, the police may enter the club and verify the same and proceed further if the members and guests of writ petitioner's cultural centre play other than the game of rummy with stakes/ syndicate (thirteen card game). The police authorities are also at liberty to proceed with the cases, which are already registered. The writ appeal is disposed of accordingly."

I respectfully agree with the view expressed by the Division Bench, apart from being bound by the same.

I therefore direct the Police authorities not to cause obstruction in any manner to the writ petitioner Club from conducting its card room where its members or its guests are permitted to play the game of rummy (thirteen card game) with stakes or as a syndicate. However, I make it clear that the Police is always at liberty to enter the premises and check as to whether the club is conducting card room where the members and their guests are playing the game of rummy with stakes or syndicate. It is also open to them upon receipt of any intimation or information to enter the club and verify the same and proceed further if the members and their guests of the Club play any other game than the game of

rummy with stakes and syndicate.

With this, the writ petition stands disposed of. No costs.

NOOTY RAMA MOHANA RAO.J.

Dated:21.9.2007

sj

[1] 2002 (5) ALT 805

[2] 2002 (5) ALT 806